

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 are currently pending in this application. By this Amendment, the applicant amends claim 1 and leaves claims 2-6 unamended.

In the outstanding Office Action, claim 1 was rejected under 35 U.S.C. §102(b) for anticipation by Paisley and by Sugai et al. individually while all claims 1-6 were rejected under 35 U.S.C. §102(e) for anticipation by Du et al. These rejections are hereby traversed.

Claim 1, as amended, is directed to a brush and brush holder assembly for a micro horsepower (HP) electric motor operable at .001 HP or less. The underlined words have been added to the preamble of claim 1 to define more clearly the micro motor of the present invention. Support for the recitation of the underlined phrase is found in the specification at page 1, line 8 and at page 7, line 20.

According to claim 1 with reference to Fig. 5 of the drawings in this application, the assembly comprises a brush 50 having a tip 51, a brush holder 58 surrounding the tip 51 of the brush 50, a shunt 56 carrying current to the tip 51 of the brush 50 and an independent coil wire spring 53 applying constant pressure to the brush 50.

Turning now to the rejection of claim 1 for anticipation by Paisley and Sugai et al. individually, the applicant respectfully submits that amended claim 1 is not anticipated by Paisley or Sugai et al. when considered separately.

Paisley discloses a brush and brush holder assembly for a dynamo electric machine in which “very large currents flow....” See column 1 at line 10. Thus, ab initio, the assembly of Paisley is not identical to the “micro...motor operable at .001 HP or less”, as recited in the preamble of claim 1 because .001 horsepower cannot be considered in any way to be produced by the “very large currents” flowing through the device of Paisley.

Furthermore, in Fig. 3 of Paisley, it is clear that the holder 29 is not “surrounding the tip of the brush”, as required by claim 1 covering the applicant’s invention. Instead, in the prior art device of Paisley, the holder 29 only goes up towards the tip of the brush 28 without ever surrounding it. Compare Fig. 3 of Paisley with Fig. 5 in the present application where the holder 58 is clearly shown surrounding the tip 51 of the brush 50.

Thus, the U.S. Patent of Paisley does not anticipate the invention as it is defined in amended claim 1. Therefore, the rejection under 35 U.S.C. §102(b) should be withdrawn.

Sugai et al. disclose a brush and brush holder assembly for a “motor mounted on a vehicle.” See column 1 at line 11. Thus, as in the case of the assembly of Paisley, the assembly of Sugai et al. is not identical to the “micro...motor operable at .001 HP or less”, as recited in the preamble of claim 1, because .001 horsepower is clearly insufficient to operate the “motor mounted on a vehicle” of Sugai et al.

Furthermore, in Fig. 2 of Sugai et al., it is clear that the shunt 28 carries current not “to the tip of the brush”, as required by claim 1 covering the applicant’s invention, but rather to the side of the brush 24. See column 5 at lines 64-66, where Sugai et al. state: “To the side surface of the brush 24 on the side of the proximal end of the first inclined surface 26, a pigtail 28 is connected....”

Thus, the U.S. Patent of Sugai et al. does not anticipate the invention as it is defined in amended claim 1. Therefore, the rejection under 35 U.S.C. 102(b) should be withdrawn.

Turning now to the rejection of all claims 1-6 for anticipation by Du et al., the applicant respectfully submits that amended claim 1 is not anticipated by Du et al.

Du et al. disclose a brush and brush holder assembly “in a number of work-related areas. One area where small electric motors are utilized is in power tools.” See column 1 at lines 8 and 9. Although Du et al. do not state the horsepower needed to operate power tools, it is well known to any person skilled in the use of such tools that they require “a fractional

HP electric motor” which “may be defined as an electric motor operating at less than one HP but more than .001 HP”. See the specification of the present application under examination at page 1, lines 10 and 11. See also the discussion of the prior art device shown in Fig. 1 which is described in the applicant’s specification on page 2 in paragraph [008] where he discusses “power tools, such as hand-held drills”. Id. at line 14.

Thus, once again, the assembly of Du et al. is not identical to the “micro...motor operable at .001 HP or less”, as recited in the preamble of claim 1, because .001 horsepower is clearly insufficient to operate the “power tools” of Du et al.

Furthermore, in Fig. 2 of Du et al., it is clear that the brush holder 24 is not “surrounding the tip of the brush”, as required by claim 1 covering the applicant’s invention. Instead, in the prior art device of Du et al., the holder 24 clamps only two sides of the brush 28, thereby leaving the other two sides and the tip unsurrounded. Compare Fig. 2 of Du et al. with Fig. 5 in the present application where the holder 50 is clearly shown surrounding the tip 51 of the brush 50.

Thus, the U.S. Patent of Du et al. does not anticipate the invention as it is defined in amended claim 1. Therefore, the rejection under 35 U.S.C. §102(e) should be withdrawn.

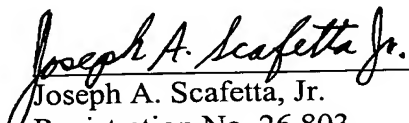
Consequently, in view of the present Amendment, no further issues are believed to be outstanding, and the present application is believed to be in condition for formal allowance.

Thus, a Notice of Allowance for claims 1-6 is earnestly solicited.

If the examiner believes that further action is necessary to place this application in better form for allowance, he is encouraged to contact the undersigned attorney at the below listed telephone number.

Respectfully submitted,

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